

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR**

CAF No. 2205 of 2017 In FA (St) No. 26146 of 2016

EE v. Digambar and ors

Shri J. B. Kasat, Advocate for appellant

Shri S. U. Nemade, Advocate for respondent no. 1

Ms H. N. Jaipurkar, AGP for respondents no. 2 and 3

Coram : S. B. Shukre, J

Dated : 7th November 2017

P.C.

Heard. Application discloses sufficient cause and no malafides on the part of the appellant. Hence, delay that has occurred in filing the appeal, is condoned. Disposed of. Appeal be registered.

FA (St) No. 26146/2016 : Heard. Admit. Call for Record and Proceedings. Shri S. U. Nemade, learned counsel waives notice for respondent no. 1 and Ms H. N. Jaipurkar, learned AGP waives notice for respondents no. 2 and 3. Private paper book be filed within one year from today.

CAF No. 4179 of 2017 : Heard. Perused the impugned award and the grounds taken in the appeal. I am of the view that this application can be allowed conditionally and it is allowed accordingly.

Respondent no. 1 is permitted to withdraw 50% of the amount deposited in

this Court on his furnishing usual undertaking and remaining 50% amount is permitted to be withdrawn on his furnishing solvent surety to the satisfaction of learned Registrar (J) of this Court, both to be furnished within eight weeks from today. Disposed of.

JUDGE

joshi